

# Notice of Allowability

Application No.

10/796,360

Examiner

Hargobind S. Sawhney

Applicant(s)

GALLI, ROBERT

Art Unit

2875

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed on 1/23/2006.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. The Request for Continued Examination (RCE) filed on January 23, 2006 has been entered. In addition, the amendment filed on January 23, 2006 has been entered. Accordingly, claims 1 and 10 have been amended.
2. The Terminal Disclaimer filed on September 22, 2005 has been entered and approved. Accordingly, the double patenting rejections of claims 1-10 have been withdrawn.

### ***Reasons for Allowance***

3. Provision of the Terminal Disclaimer has overcome double patenting rejections of claims 1-10. Therefore, claims 1-10 are allowed.
4. Claims 1-10 are allowed over prior art.

The prior art of record, including Barnett et al. (US Patent No.: 6,541,800 B2), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose a light emitting diode (LED) assembly combining:

- a prepackaged LED assembly received in a cavity of a thermally conductive mounting die; and the prepackaged LED having a mounting base with a heat-transfer plate, which is thermally communicating with a base of the cavity of the mounting die as recited in each of the amended independent claims 1 and 10; and in claim 7.

The above-indicated combination, including a pre-package LED assembly having its heat-transfer plate positioned on the base of a cavity defined in a thermally conductive mounting structure, makes this invention unique.

Barnett et al. ('800 B2) discloses a light emitting diode (LED) assembly comprising a prepackaged LED assembly comprising a front luminescent portion and a mounting base with a base plate, which is integral with the cathode of the LED assembly. As argued by the applicant, Barnett et al. ('800 B2) does not teach the base plate thermally communicating with the mounting die of the device. Barnett et al. ('800 B2) employs lead frame, which is a part of the prepackaged LED assembly, as a heat sink. Therefore, Barnett et al. ('800 B2) does not meet the limitations of each of the amended independent claims 1 and 10; and the previously presented independent claim 7.

Therefore Claim 1 each of the amended independent claims 1 and 10; and the previously presented independent claim 7 are allowed over prior art.

Claims 2-6 are necessarily allowed because of their dependency on the allowed base Claim 1.

Claims 8 and 9 are necessarily allowed because of their dependency on the allowed base Claim 7.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/26/2006

  
ALI ALAVI  
PRIMARY EXAMINER